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SASHA SUCHITE

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

SASHA SUCHITE,  
  
Plaintiff,

v.

KOHL'S CORP.,  
  
Defendant.

) **Case No.:** 8:15-cv-01535-JLS-DFM

) **JOINT RULE 26(f) REPORT**

) **Date:** September 14, 2015

) **Time:** 11:00 a.m.

) **Judge:** Honorable Judge Staton

) **Location:** Ronald Regan Federal

) 411 West Fourth Street, Room 10A, Santa

) Ana, CA 92701-4516

Pursuant to Federal Rule of Civil Procedure ("FRCP") 16 and 26(f), and Local Rule 26-1, Plaintiff, SASHA SUCHITE ("Plaintiff"), and Defendant, KOHL'S CORP., ("Defendant"), through their respective counsel, respectfully submit the following Joint Rule 26(f) Report.

1       **A. Synopsis:**

2               **a. Plaintiff:** Count I of Plaintiff's Complaint is based on the  
 3               Telephone Consumer Protection Act 47 U.S.C. § 227 et seq..  
 4               Count II of Plaintiff's Complaint is based on the Rosenthal Fair  
 5               Debt Collection Practices Act, Cal. Civ. Code § 1788, *et seq.*  
 6               ("RFDCPA"). Plaintiff alleges Defendant placed calls to  
 7               Plaintiff's cell phone using an automatic telephone dialing  
 8               system without Plaintiff's prior express consent seeking  
 9               payment for a debt owed.

10              **b. Plaintiff alleges Defendant violated the following sections in**  
 11              **the TCPA:**

12                   (1) Defendant violated 47 U.S.C. § 227 et seq. by placing  
 13                   calls to Plaintiff's cell phone using an automatic  
 14                   telephone dialing system without Plaintiff's prior  
 15                   express consent.

16              **c. Plaintiff alleges Defendant violated the following sections in**  
 17              **the RFDCPA:**

18                   (1) Defendant violated §1788.17(d) of the RFDCPA by  
 19                   causing Plaintiff's telephone to ring repeatedly or  
 20                   continuously to annoy the person called.

21                   (2) Defendant violated §1788.17(e) of the RFDCPA by  
 22                   communicating with Plaintiff with such frequency as to  
 23                   be unreasonable and to constitute harassment to Plaintiff.

24                   (3) Defendant violated §1788.17 of the RFDCPA  
 25                   continuously failing to comply with the statutory

regulations contained within the FDCPA, 15 U.S.C. § 1692 et seq.

a. Defendant violated § 1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff.

b. Defendant violated § 1692d(6) by causing a telephone to ring repeatedly or continuous with the intent to annoy, harass, or abuse Plaintiff.

**d. Defendant denies Plaintiff's allegations:** Defendant denies all material allegations of the Complaint. Defendant disputes that it autodialed Plaintiff without his prior express consent, that it violated the TCPA, the RFDCPA, or that Plaintiff is entitled to any relief from Defendant.

**B. Subject Matter Jurisdiction:** Plaintiff asserts that jurisdiction arises pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367 grants this court supplemental jurisdiction over the RFDCPA state claim.

**C. Legal Issues:** Whether Defendant's alleged conduct violated the TCPA and RFDCPA.

**D. Parties, evidence, etc.:**

**1. Parties:**

- i. Plaintiff, SASHA SUCHITE
- ii. Defendant, KOHL'S CORP.

**2. Witnesses:**

- i. Plaintiff, SASHA SUCHITE
- ii. Defendant, KOHL'S CORP.

1                   iii. Defendant's Representative(s).

2                   iv. Plaintiff's expert

3                   v. Defendant's expert

4                   **3. Documents:**

5                   i. Defendant's collection notes.

6                   ii. Call logs from Plaintiff's phone.

7                   iii. Documents concerning Defendant's use of an ATDS.

8                   iv. Credit application and contract with Kohl's Department Stores,  
9                   Inc.

10           **E. Realistic Range of Damages:** The TCPA entitles Plaintiff to an award of  
11           \$500.00 in statutory damages for each and every violation pursuant to 47  
12           U.S.C. § 227(b)(3)(B) and an award of \$1,500.00 for every willful violation  
13           pursuant to 47 U.S.C. § 227(b)(3). The RFDCPA entitles Plaintiff to a  
14           maximum of \$1,000.00 in statutory damages. Additionally, the RFDCPA  
15           provides for reasonable attorneys' fees and costs.

16           **F. Insurance:** Kohl's does not contend that there is insurance to cover this  
17           case.

18           **G. Proposed Amendments to Pleadings and Deadline for Amendments:**

19           The Parties do not anticipate filing motions to add other parties or claims, or  
20           to transfer venue.

21           **H. Complex Litigation:** The Parties do not believe that this case involves  
22           complex litigation and that the Manual for Complex Litigation need not be  
23           utilized.

24           **I. Discovery Plan:** Discovery will need to be conducted regarding the  
25           following subjects: the terms of Plaintiff's credit application; whether

Plaintiff consented to receiving collection calls; any and all communications between Plaintiff and Defendant; any and all information pertaining to Plaintiff's allegations and alleged damages suffered; and any and all information pertaining to Defendant's Affirmative Defenses. The Parties further agree that discovery should not be conducted in phases or limited. The Parties anticipate propounding Interrogatories, Requests for Production, and Requests for Admission. Depending on the information disclosed, Plaintiff may depose Defendant's corporate designee containing knowledge of the facts alleged in Plaintiff's Complaint and the information contained in Defendant's responses to Plaintiff's discovery requests. The Parties also agree that no changes should be made in the timing, form, or requirement for disclosures under FRCP 26(a). Defendant will depose Plaintiff and anyone identified by Plaintiff with knowledge of his claims.

**J. Experts:** Plaintiff anticipates the use of an expert. The Parties agree pursuant to FRCP 26(a)(2) Expert Disclosures will be made 90 days before the trial date, and expert depositions will be completed 60 days before the trial date.

**K. Dispositive Motions:** The parties intend to file dispositive motions.

**L. Settlement:** The Parties have engaged in settlement negotiations and will continue to do so in a good faith manner. The Parties elect Settlement Procedure No. 2 from Local Rule 16-15.4, to proceed with mediation before an attorney from the Court's Attorney Settlement Officer Panel.

**M. Trial Estimate:** Defendant requests a jury. The Parties anticipate that the trial in this case will last 1-2 days.

**N. Trial Counsel:** At this time, the Parties expect that trial counsel will be

1 Ryan Lee for Plaintiff and Catherine Lee for Defendant.

2 **O. Independent Expert or Master:** The Parties do not believe this case  
3 warrants appointing a master pursuant to Fed. R. Civ. P. 53 or an  
4 independent scientific expert.

5 **P. Bifurcation:** The Parties do not intend to sever or bifurcate this case.

6 **Q. Proposed Schedule:** Attached as Exhibit A.  
7  
8

9 RESPECTFULLY SUBMITTED,  
10

11 Dated: January 22, 2016

By: /s/ Ryan Lee

12 Ryan Lee  
13 Attorney for Plaintiffs  
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15  
16 By: /s/ Catherine D. Lee

17 Catherine D. Lee  
18 Attorney for Defendant  
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**EXHIBIT A****PROPOSED SCHEDULE OF PRETRIAL AND TRIAL DATES**

CASE NAME:

CASE NO:

Matter	Weeks Before Trial	Plaintiff(s) Request	Defendant(s) Request
Last Day to File Motions to Add Parties and Amend Pleadings	Scheduling Conference Date plus sixty (60) days		4/12/16
Fact Discovery Cut-Off	21		8/21/16
Last Day to Serve Initial Expert Reports	19		9/13/16
Last Day to File Motions (Except <i>Daubert</i> and all other Motions in Limine)	19		9/13/16
Last Day to Serve Rebuttal Expert Reports	15		10/11/16
Last Day to Conduct Settlement Proceedings	12		11/1/16
Expert Discovery Cut-Off	11		11/8/16
Last Day to File <i>Daubert</i> Motions	Expert Discovery Cut-Off Date plus seven (7) days		11/15/16
Last Day to File Motions in Limine (excluding <i>Daubert</i> Motions)	Final Pre-Trial Conference Date less twenty-eight (28) days		12/2/16

1	Final Pre-Trial Conference	3		12/30/16
2	<b>(Friday at 1:30 p.m.)</b>			
3	Last Day to File Proposed	1		1/17/17
4	Finding of Facts and			
5	Conclusions of Law (if court trial)			
6	Exhibits Conference	Friday before trial		1/20/17
7	<b>(Friday at 3:30 p.m.)</b>			
8	Trial: Jury or Court			1/24/17
9	<b>(Tuesday at 9:00 a.m.)</b>			